

## Message Text

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72

ACTION COA-02

INFO OCT-01 EUR-25 IO-13 ISO-00 EB-11 INT-08 L-03 COME-00

AGR-20 CG-00 NSF-04 SCI-06 EPA-04 CEQ-02 AF-10 ARA-16

EA-11 NEA-10 RSC-01 OMB-01 TRSE-00 CIAE-00 DODE-00

PM-07 H-03 INR-10 NSAE-00 NSC-10 PA-03 PRS-01 SPC-03

SS-15 USIA-15 ACDA-19 DRC-01 /235 W

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R 191439Z SEP 73

FM AMEMBASSY WARSAW

TO SECSTATE WASHDC 5861

INFO L/AMEMBASSY BONN 1219

AMEMBASSY COPENHAGEN

AMEMBASSY HELSINKI

AMEMBASSY MOSCOW

AMEMBASSY SOTCKHOLM

USMISSION BERLIN

USEC BRUSSELS 244

USMISSION GENEVA

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E.O. 11652: N/A

TAGS: TPHY, SENV, EFIS, PFOR, PL

SUBJECT: BALTIC CONFERENCE ON FISHERIES

REF: WARSAW A-234

1. BEGIN SUMMARY. THE GDANSK DIPLOMATIC CONFERENCE ON FISHERIES IN THE BALTIC REGION CONCLUDED ITS DISCUSSIONS SEPTEMBER 13, ONE DAY AHEAD OF SCHEDULE, WITH THE SIGNING OF A CONVENTION ON FISHERIES AND THE PROTECTION OF LIVING RESOURCES OF THE BALTIC SEA AND THE BELTS (DANISH STRAITS LEADING FROM THE BALTIC TO KATTEGAT). THE CONFERENCE OF THE SEVEN BALTIC STATES, WHICH BEGAN SWPTEMBER 4, WAS

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CALLED BY POLAND IN RESPONSE TO MOUNTING CONCERN ABOUT THE

FUTURE OF BALTIC SEA FISHERIES. IN THE COURSE OF THEIR MEETINGS THE PARTICIPATING STATES (DENMARK, FINLAND, EAST AND WEST GERMANY, POLAND, SWEDEN AND THE USSR) AGREED TO INCLUDE TERRITORIAL WATERS WITHIN THE JURISDICTION OF THE CONVENTION, BUT RESERVED TO THEMSELVES RESPONSIBILITY FOR ENFORCEMENT WITHIN THEIR OWN TERRITORIAL WATERS. THE AGGREGATE WIDTH OF TERRITORIAL WATERS AND FISHERIES ZONES IN THE BALTIC WAS LIMITED BY THE CONFERENCE TO TWELVE NAUTICAL MILES. THE CONFERENCE WILL ENTER INTO FORCE WHEN IT HAS BEEN RATIFIED BY FOUR OF THE SIGNATORIES, A PROCESS WHICH IS EXPECTED TO REQUIRED 1 1/2 TO 2 YEARS' TIME. END SUMMARY.

2. ALTHOUGH THE EMBASSY HAS NOT YET BEEN ABLE TO OBTAIN A COPY OF THE CONVENTION, IT IS KNOWN THAT THE AGREEMENT, WHICH IS TO HAVE A DURATION OF FIVE YEARS, PROVIDES FOR THE CREATION OF A FISHERIES COMMITTEE, WITH HEADQUARTERS IN WARSAW. ACCORDING TO A SWEDISH EMBASSY OFFICER WHO ATTENDED THE CONFERENCE, THE COMMITTEE WILL INCLUDE TWO REPRESENTATIVES FROM EACH OF THE BALTIC STATES, WITH EACH COUNTRY HAVING ONE VOTE. IT IS EXPECTED THAT THE COMMITTEE WILL MEET APPROXIMATELY ONCE EVERY TWO YEARS. THE COMMITTEE'S ROLE WILL BE TO MAKE RECOMMENDATIONS TO THE GOVERNMENTS OF THE CONTRACTING PARTIES ON ISSUES AFFECTING BALTIC FISHERIES. SHOULD THREE OF THE SIGNATORY GOVERNMENTS DECIDE THAT A RECOMMENDATION OF THE FISHERIES COMMITTEE IS UNACCEPTABLE, THE RECOMMENDATION WILL NOT BE CONSIDERED BINDING ON ANY OF THE SIGNATORIES.

3. TWO OF THE MOST IMPORTANT DECISIONS OF THE CONFERENCE WERE TAKEN DURING THE SEPTEMBER 10 SESSION, WHEN THE BALTIC STATES AGREED TO INCLUDE TERRITORIAL WATERS WITHIN THE JURISDICTION OF THE NEW CONVENTION, AND TO LIMIT THE WIDTH OF TERRITORIAL WATERS AND FISHERIES ZONES TO TWELVE NAUTICAL MILES. EACH OF THE CONTRACTING STATES WILL ENFORCE THE CONVENTION WITHIN ITS OWN TERRITORIAL WATERS. IN A CONVERSATION LAST WEEK WITH AN EMBASSY OFFICER, THE SOVIET EMBASSY COUNSELOR SAID THE BALTIC STATES FOUND A PRECEDENT FOR THIS ENFORCEMENT AGREEMENT IN THE INTERNATIONAL SEABEDS TREATY.

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4. THE NEW BALTIC CONVENTION IS OPEN TO ACCESSION BY ANY COUNTRY INTERESTED IN THE "PRESERVATION AND RATIONAL UTILIZATION OF BALTIC RESOURCES". THERE IS NO INDICATION AT THIS TIME WHETHER THE BALTIC STATES ANTICIPATE ADDITIONAL SIGNATORIES. REPRESENTATIVES OF SEVERAL INTERNATIONAL ORGANIZATIONS, INCLUDING THE EC, THE INTERNATIONAL COUNCIL FOR SEA INVESTIGATIONS, THE UN AND THE INTERNATIONAL

COMMISSION FOR NORTHWEST ATLANTIC FISHERIES, ATTENDED THE CONFERENCE AS OBSERVERS. ODDLY ENOUGH, IN LIGHT OF AN EARLIER REPORT (REFAIR) THAT THE EC HAD BEEN INVITED ONLY AFTER THE DANES EXPRESSED SURPRISE AT THE PRESENCE OF CEMA ON THE LIST OF INVITED OBSERVERS, NO MENTION HAS BEEN MADE IN THE POLISH PRESS OF CEMA ATTENDANCE.

5. COMMENT: IN VIEW OF PRIOR INDICATIONS (REFAIR) THAT THE BALTIC STATES WERE DIVIDED ON THE ISSUE OF APPLYING NEW FISHERIES REGULATIONS TO TERRITORIAL WATERS (DENMARK, SWEDEN AND WEST GERMANY APPARENTLY FAVORED THE IDEA; POLAND, EAST GERMANY AND THE USSR WERE OPPOSED; FINLAND UNDECIDED), INCLUSION OF TERRITORIAL WATERS WITHIN THE CONVENTION'S JURISDICTION APPEARS TO BE A VICTORY FOR THE WESTERN BALTIC COUNTRIES, PROVIDED THE ENFORCEMENT SCHEME PROVES SATISFACTORY.

THE SWEDISH EMBASSY OFFICIAL MENTIONED IN PARA 2 DESCRIBED THE SELF-PATROLLING FEATURE OF THE CONVENTION AS A COMPROMISE OFFERED TO BRING TERRITORIAL WATERS UNDER THE JURISDICTION OF THE AGREEMENT. GIVEN THE RATIO OF TERRITORIAL TO INTERNATIONAL WATERS IN THE BALTIC, THE WESTERN BALTIC STATES EVIDENTLY FELT THE CONVENTION WOULD BE OF LITTLE VALUE UNLESS TERRITORIAL WATERS WERE INCLUDED.

INTERESTINGLY, THERE DOES NOT SEEM TO BE MUCH APPREHENSION, AT LEAST ON THE PART OF THE SWedes, ABOUT THE EFFICACY OF THIS ENFORCEMENT PROCEDURE. THE COMMON INTEREST OF THE SIGNATORY STATES IN PRESERVING BALTIC FISHERIES (WHICH WE UNDERSTAND HAVE NOT BEEN REGULATED UP TO NOW, EXCEPT FOR SALMON) IS THOUGHT TO BE STRONG ENOUGH TO GUARANTEE OBSERVANCE OF WHATEVER REGULATIONS ARE ULTIMATELY ADOPTED. THE STRENGTH OF THIS COMMON INTEREST MAY BEGIN TO BE TESTED IN 1974, WHEN EXPERTS

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FROM EACH OF THE BALTIC COUNTRIES GATHER TO BEGIN TO WORK OUT FISHERIES REGULATIONS. ALTHOUGH THE FISHERIES COMMITTEE CANNOT, UNDER THE TERMS OF THE CONVENTION, MEET UNTIL 90 DAYS AFTER THE FOURTH RATIFICATION, IT IS HOPED THAT THE EXPERTS WILL HAVE A SYSTEM OF REGULATIONS PREPARED FOR THE COMMITTEE'S CONSIDERATION AT ITS FIRST SESSION, SOME 18-24 MONTHS FROM NOW. GIVEN THE PROVISION OF THE CONVENTION THAT ANY THREE OF THE CONTRACTING PARTIES MAY OVERTURN THE RECOMMENDATION OF THE FISHERIES COMMITTEE, MUCH DEPENDS ON THE ABILITY OF THE COMMITTEE TO WORK WITHIN THE LIMITS OF THE SHARED INTEREST OF THE BALTIC STATES. THE BREADTH AND DEPTH OF THIS MUTUALITY OF INTEREST WILL BECOME MORE APPARENT AS SPECIFIC PROPOSALS FOR FISHERIES REGULATION COME BEFORE THE COMMITTEE.

6. A COPY OF THE CONVENTION WILL BE FORWARDED TO THE  
DEPARTMENT AS SOON AS IT BECOMES AVAILABLE.  
DAVIES

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